

// A special meeting of the Council of the City of Lynchburg, recessed from March 21, was held on the 28th day of March, 2006, at 1:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items.

The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Council Member Gillette, who served as Chair of the Community Development Advisory Committee (CDAC), presented a brief overview regarding the Committee's recommendations for allocation of FY2007 Community Development Block Grant (CDBG) and HOME funds. Council Member Johnson expressed concern that no funding was recommended for the Jubilee Family Life Center Occupational Program or the Legacy Museum, and Vice Mayor Foster questioned why only two of the programs that address the needs of the homeless were recommended for funding. Council Member Gillette explained the Committee's reasoning in these regards, stating that the Committee had to set priorities in light of an increased number of requests received this year versus a decreased amount of funding. City Council discussed some changes to the Committee's recommendations, i.e., reduce Spot Blight Abatement/Acquisition (LRHA) from \$120,000 to \$110,000 and allocate the \$10,000 to Affordable Housing Loans (Lynchburg Neighborhood Development Foundation); and reduce Athletic Mentorship & Behavior Modification Program (Dominion Sports) from \$14,000 to \$9,000 and allocate the \$5,000 to the Legacy Museum. City Council also asked Administrative and Grants Coordinator Melva Walker to determine if there are additional CDBG funds that could be reprogrammed to the Affordable Housing Loans program. Following discussion, Ms. Walker stated that this item will be scheduled for the April 11 meeting for final approval of the allocations for the proposed projects.

// Parks and Recreation Director Kay Frazier along with Athletic Fields Task Force Chair Al Billingsly presented a brief overview regarding the short term as well as long term recommendations adopted by the Task Force on March 23, 2006. Mr. Billingsly stated that the recommendations are to be presented to the School Board next week. In response to Council questioning, City Manager Kimball Payne outlined some possible funding sources to fund the additional monies needed to complete all of the short term requests.

// Acting Fire Marshal Michael Thomas distributed a revised draft of a proposed Ordinance to amend the City's Fire Prevention Code. Acting Fire Marshal Thomas provided a brief overview regarding the proposed changes, explaining that the changes reflect the current edition of the State Fire Code. City Manager Kimball Payne stated that this item is scheduled for formal adoption by City Council at the 5:00 p.m. meeting.

// Deputy City Manager Bonnie Svrcek along with Communications and Marketing Director JoAnn Martin reviewed with City Council some options regarding possible policy questions along with two suggestions for the open-ended question for the 2006 Citizen Survey. Following discussion, Council chose as the policy questions the second "diamond" question with rewording and the last "diamond" question and asked that staff develop the third question. City Council chose the first open-ended question for use in the survey.

// City Manager Kimball Payne stated that a petition signed by a number of downtown stakeholders was recently received requesting that the City reestablish two-way traffic on Church and Main Streets. Mr. Payne asked for direction from City Council with regard to this request. Council Member Gillette expressed concern regarding the accuracy of the names on the petition and stated that he would like to see developed a more accurate way to ascertain exactly what the downtown stakeholders really want and also that any conversion be coordinated with the Lynchburg Parking Authority. Other Council Members also expressed interest in developing a mechanism that would more accurately gather input from the downtown stakeholders regarding the conversion from one-way to two-way traffic. City Manager Payne stated that he would contact Lynch's Landing Executive Director regarding this matter. Council Member Helgeson asked to receive a copy of the consultant's report regarding the proposed conversion.

// Economic Development Director Mary Jane Russell along with Industrial Development Authority Board Member Bill Speidell provided a brief overview regarding the Lynchburg Industrial Development Authority 2006 Business Development Policy. Ms. Russell distributed a listing of recent Lynchburg Industrial Development Authority awarded incentives stating that the City received \$63,677,047 and 1,424 new jobs on the City's investment of \$1,341,472.

// During roll call, Council Member Helgeson stated that he would like to see some type of recognition for the Liberty University Women's basketball team in ~~participating in~~ winning its 10th "in a row" NCAA Division I Big South Conference championship. Mayor Hutcherson stated that he would contact the Community and Marketing Director to see what could be done. Council Member Seiffert informed that a request will be coming to City Council asking for some type of recognition for Lynchburg native Desmond Doss, a World War II medic who received the Congressional Medal of Honor. Vice Mayor Foster informed regarding overgrown shrubs on 1st Street between Madison and Harrison and on 2nd Street between Federal and Harrison. In response to City Manager Payne's inquiry, City Council agreed to conduct a work session regarding the new Landscape Ordinance on May 9 from 1:00 p.m. – 2:30 p.m.

// City Council conducted a work session regarding the Proposed FY 2007 – 2011 Capital Improvements Program.

// City Council recessed at 4:15 p.m. to reconvene the meeting at 4:30 p.m., in the Council Chambers, in order to recognize the City's Catch A Star employees.

// The meeting was adjourned at 4:50 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of March, 2006, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Vice Mayor Foster gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the March 14 (two meetings) and March 21, 2006 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Registrar, Resolution #R-06-023 appropriating \$14,637 for supplemental funding to the Registrar's Office for Recount and Special Election expenses, laid over from the March 14, 2006 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-06-024 amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$61,140, with \$30,570 reimbursement, to purchase four (4) Autopulse mechanical cardiopulmonary devices, laid over from the March 14, 2006 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Property, Resolution #R-06-026 regarding the sale and conveyance of a 100 x 125 vacant parcel of City-owned property located at the corner of Buckner Drive and Mathews Street to John Bolton for \$4,000, laid over from the March 14, 2006 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - Bonds, Resolution #R-06-028 amending the FY2006 General, Water, Sewer and Fleet Funds operating budgets and appropriating \$207,565 for costs associated with the bond issue, laid over from the March 14, 2006 meeting, was again presented and read, and on

motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – Parking, a public hearing was held regarding amending the Articles of Incorporation of the Lynchburg Parking Authority. City Manager Kimball Payne provided a brief overview regarding the proposed changes to the Articles of Incorporation. Mr. Payne explained that it is necessary to amend the Articles to comply with the amendments of the 1995 legislation adopted by the Virginia General Assembly. There was no one else present who wished to speak to this item. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-06-030, as presented, amending the Articles of Incorporation of the Lynchburg Parking Authority:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Fire - General, City Council Report #7 regarding amendments to the City's Fire Prevention Code was considered. City Manager Kimball Payne explained that the proposed changes were discussed at the earlier work session, including the additional changes as submitted by Acting Fire Marshal Thomas. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #0-06-031, as amended to incorporate the changes submitted at the work session, amending the City Code relating to changes in the City's Fire Prevention Code and the enforcement of the Statewide Fire Prevention Code:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 5:07 P.M. to April 4, at 7:00 P.M., to conduct a public hearing regarding the FY2007 Proposed Budget and Capital Improvements Program.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from March 28, was held on the 4th day of April, 2006, at 7:00 P.M., in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct public hearings regarding setting the percentage of relief for Personal Property Tax at 56.8%, the FY2007 Proposed Budget and the 2007-2011 Capital Improvements Program. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

Absent:

// City Manager Kimball Payne provided an overview regarding both public hearings.

// A public hearing was held regarding setting the percentage of relief for Personal Property Tax at 56.8% based on the current Personal Property Tax rate of \$3.80. There was no one present who wished to speak to this item, and the public hearing was closed.

// A public hearing was held regarding the Proposed Fiscal Year 2007 Budgets of the City Government, Public Schools, Water, Sewer, Solid Waste, Airport and Other Funds, and the Proposed 2007-2011 Capital Improvements Program. Helen Haskins, representing the Central Virginia Area Agency on Aging, requested financial support for the Agency, citing the benefits of the various programs the Agency provides to the elderly. Jim Weigand requested a five cent reduction in the real estate tax rate. Jane White, Director of the Old City Cemetery, requested full funding of the budget request of \$119,000 to support the salaries of two staff members. Jerry Earnhardt, representing Crisis Line of Central Virginia, requested financial support, citing the benefits of its programs to the citizens of Lynchburg. Katie Cyphert, President of the Lynchburg Education Association, along with Bill Godsey and Dot Marshall requested support of the Schools budget request. Karen Wilder requested support for Arc of Central Virginia. Dr. Rob Jarvis, Lynchburg Area Center for Independent Living, along with Wally Sabin asked that the General Relief Program be restored. Lacy Ward, Jr. requested financial support for CASA. Mike Anderson, Dominion Sports Association, requested support for its programs. Arelia Langhorne, Chair of the Electoral Board, requested support for the replacement of the City's voting machines over a three year period. There was no one else present who wished to speak, and the public hearing was closed.

// The meeting was recessed at 8:02 p.m. to April 11, 1:00 p.m., to conduct a work session to finalize the proposed FY 2007 Budget.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from March 28, was held on the 11th day of April, 2006, at 1:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding the FY2007 Budget. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Absent:	0

// City Manager Kimball Payne stated that an overview regarding the FY2006 Third Quarter Adjustments was presented to the Finance Committee and that a public hearing is scheduled for April 25.

// City Manager Payne presented FY2007 Budget Adjustments through April 10, which included Revenue/Expenditure Adjustments and Corrections and potential staff/Council adjustments to balance the FY2007 Budget. Council discussed various budget cuts as proposed by the City Manager, i.e., five additional police officers, administrative support position in the City Assessor's Office, new voting machines, and conversion of two Animal Warden positions from part-time to full time. Following discussion City Council reached consensus to approve the conversion of one Animal Warden position from part-time to full time at a cost of \$25,000.

// City Council discussed at length whether to provide additional local funding to the Schools beyond the \$775,000 proposed in the City Manager's budget proposal. Council Members Helgeson and Seiffert argued that with the additional \$7.6 million in State funding to the Schools that City Council should reduce the local funding by an additional \$1 million in order to provide a reduction in the City's real estate tax rate and the BPOL tax. Both Council Members also stated that they could not support the additional 49.5 new positions requested in the Schools budget proposal. Council Member Helgeson also explained that the reasoning behind the State providing more funding to the local School systems was an effort to take some of the pressure off of local governments via local real estate tax rate reductions. Other Council Members stated that they could not support any further reduction in the local funding to the Schools. Some Council Members expressed an interest in looking at ways to provide more local funding to the Schools in addition to the \$775,000 in the proposed budget. Discussion focused on the following proposals:

Proposal #1 – City Manager's FY2007 Budget Proposal

FY2007 Schools Request	\$32.1 million
FY2007 Local Funding	<u>\$30.5 million</u>
Reduction in Local Funds	\$ 1.6 million

FY2006 Schools Funding (Local)	\$31.3 million
FY2007 Local Funding	<u>\$30.5 million</u>
Reduction in Local Funds	\$.8 million

Proposal #2 – As proposed by Council Member Helgeson

FY2006 Schools Funding (Local)	\$31.3 million
FY2007 Reduction in Local Funds	<u>\$ 1.8 million</u>
	\$29.5 million

FY2007 Schools Request	\$32.1 million
FY2007 Local Funding	<u>\$29.5 million</u>
Reduction in Local Funds	\$ 2.6 million

Following discussion, Council Member Gillette made a motion, seconded by Mayor Hutcherson, to approve Proposal #1 to provide \$775,000 in local funding to the Schools as outlined in the proposed FY2007 Budget. Council Member Helgeson made a substitute motion, seconded by Council Member Seiffert, to approve Proposal #2 to reduce the Schools local funding by \$1.8 million, and Council by the following recorded vote defeated the substitute motion:

Ayes: Helgeson, Seiffert 2

Noes: Dodson, Foster, Gillette, Johnson, Hutcherson 5

The vote was called on the original motion, and Council by the following recorded vote defeated the original motion:

Ayes: Gillette, Hutcherson 2

Noes: Dodson, Foster, Helgeson, Johnson, Seiffert 5

Council Member Gillette made a motion, seconded by Council Member Johnson, to remove Proposal #2 from further discussion, and Council by the following recorded vote approved the motion:

Ayes: Dodson, Foster, Gillette, Johnson, Hutcherson 5

Noes: Helgeson, Seiffert 2

City Council discussed at length various proposals and agreed that further information was needed prior to reaching a final decision regarding the FY2007 Budget. City Manager Payne stated that he would provide the information requested prior to the next work session.

// City Council spent the remainder of the afternoon discussing changes to the City's guidelines for the Tax Relief for the Elderly program. Commissioner of the Revenue Mitch Nuckles provided a chart showing various funding levels based on past Council actions. Following discussion, City Council asked that the Commissioner of the Revenue develop a chart based on Council Member Helgeson's proposal to determine the amount of relief based on varying percentages of the poverty income level.

// The meeting was adjourned at 5:00 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of April, 2006, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Absent: Johnson 1

// Copies of the minutes of the March 28 (two meetings) and April 4, 2006 meetings, having been previously furnished Council, reading was dispensed with. Council Member Helgeson asked that a vote on the March 28 minutes be postponed until the April 25 meeting to allow time for clarification regarding a portion of the work session minutes. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote approved the April 4, 2006, minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// In the matter of City Council, City Council Report #2 was considered. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-06-032, as presented, approving the filing of a grant application to help provide operational funding for the Gateway:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// Mayor Hutcherson and Vice Mayor Foster recognized the Heritage High School In-Door Track Team for winning the Double AA State Championship.

// Council Member Johnson arrived at 7:36 p.m. during the recognition of the Heritage High School In-Door Track Team.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #3 outlining the petition of Glenn D. White for a Conditional Use Permit at 3311 Old Forest Road to allow the construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. City Planner Tom Martin provided a brief summary of the petition. Mr. Glenn White provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-06-033, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 4 outlining the petition of Greenview Properties, LLC, to rezone 0.322 acres at 759

Leesville Road from R-1, Low Density Single Family Residential District, to B-3C, Community Business District (conditional), to permit the construction of a commercial entrance road. City Planner Tom Martin provided a brief summary of the petition. Mr. Ray Booth, representing the petitioner, provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-06-034, as presented, granting the rezoning petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #5 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 800 Mansfield Avenue under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette questioned whether any attempt had been made to ascertain the mental competence of the property owner since he is residing in what seems to be a mental health facility. Ms. Snavelly responded that written notice regarding tonight's public hearing was sent to the property owner and that he did sign for the notice. LRHA Executive Director Ed McCann stated that if a property owner is not mentally competent, then the Authority's legal counsel would request that the Courts appoint a guardian to represent the property owner's interest in any court proceedings. Mr. McCann went on to say that this action has been taken by the Authority in the past when a property owner was found to be mentally incompetent. City Attorney Walter Erwin did note that if court proceedings are initiated by the Authority, then the property owner would be served with a copy of the court papers by the Sheriff's Office. Following discussion, and on motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-06-035, as presented, approving the request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 800 Mansfield Avenue under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

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// In the matter of City Code, a public hearing was held regarding City Council Report #6 regarding adoption of an Ordinance to amend the City Code relating to water and sewer rates. Utilities Director Tim Mitchell provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated that he would not vote in favor of increasing any fees until City Council starts looking at ways to reduce the real estate tax rate. Some Council Members commented that this increase is needed to cover the cost of providing a service and to ensure compliance with the Special Order for the Combined Sewer Overflow Program. On motion

of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-06-036, as presented, amending the City Code relating to water and sewer rates:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson

6

Noes: Helgeson

1

// In the matter of Housing Authority, City Council Report #7 regarding authorizing the Lynchburg Redevelopment and Housing Authority to pursue acquisition of blighted property at 1811-1813 Grace Street under Section 36-19.5 of the Code of Virginia was again considered. City Manager Kimball Payne stated that following a public hearing on February 14, City Council agreed to postpone for two months a decision regarding the Housing Authority's request to allow time for the property owners to complete the needed repairs. LRHA Development Assistant Connie Snavelly provided a brief summary and update regarding the status of the property, stating that up until today no work had been done on the property. Ms. Snavelly also informed that in March, the property owners were fined \$500 by the Court for violations of the City's Property Maintenance Code and given thirty days to correct the violations. Ms. Snavelly went on to say that Mr. Hawes did call yesterday to request additional time to complete the repairs. Some Council Members commented that the property owners were given sufficient time to complete the repairs. Mr. Hawes presented City Council with recent photographs of the work that has been done on the house. City Manager Kimball Payne explained that approval of the Housing Authority's request does not mean that they take immediate possession of the property, and all the property owners needed to do would be to complete the repairs to the house. Following discussion, and on motion of Vice Mayor Foster, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-06-037, as presented, authorizing the Lynchburg Redevelopment and Housing Authority to pursue acquisition of blighted property at 1811-1813 Grace Street under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

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// In the matter of Community Planning – Community Development, City Council Report #8 regarding approval of the allocation of \$1,205,965 for Fiscal Year 2007 Community Development Block Grant (CDBG) funding and \$428,573 HOME funding to eligible program activities was considered. Council Member Helgeson, Vice Chair of the Community Development Advisory Committee (CDAC), stated that the CDAC did recommend more funding for the Spot Blight Abatement program because of the importance of the program to the neighborhoods, and cited two reasons why the CDAC did not recommend funding to the Legacy Museum, i.e., that partial funding would not be sufficient to complete the display for which the funding was being requested and that the Museum still had unspent funds remaining from last year's allocation. Council Member Helgeson stated that he would like to see the funding allocated as recommended by the CDAC. Following discussion and on motion of Council Member Johnson, seconded by Council Member Dodson, Council by the following recorded vote approved the allocation of \$1,205,965 for Fiscal Year 2007 Community Development Block Grant (CDBG) funding and \$428,573 HOME funding to eligible program activities:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

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// The meeting was recessed at 8:36 P.M. to April 18, at 1:00 P.M., to conduct a work session regarding the FY2007 Budget.

Clerk of Council